IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 1170 of 2006

Vasant Dattatraya Joglekar since deceased
through LRs Vimalbai V. Joglekar .. Petitioner

versus

Sharad Dattatraya Joglekar & ors. .. Respondents

...

Ms.Manjiri Parajnis and Mr.G.S. Godbole for the petitioner.

Mr.R.R. Salvi for respondent no.1.

Mr.A.M. Kulkarni for respondent no.8.

CORAM : D.G. KARNIK, J

DATED : 2nd March 2006.

P.C.:

1. This Writ Petition is directed against the order dated 21st November 2005 passed below Exhibit 284 in Regular Civil Suit No.63 of 1987.

2. After the suit was heard completely and the

matter was posted for arguments, the petitioner made an application that certain undated document was more than 30 years old and should be exhibited and read in evidence. By the impugned order, the application has been rejected. It was held that the document was not 30 years old and therefore, provisions of section 90 of the Evidence Act were not applicable today. The trial court therefore, rejected the said application. That order is impugned in this Writ Petition.

3. In my view, the petitioner can challenge the order dated 22nd November 2005 in an appeal that he may file against the final judgement and decree that may be passed if it is adverse to him. I see substance in the submission of the appearing respondents that the application was made merely for the purpose of delaying in the decision of the suit which was instituted in the year 1987 and was pending for nearly 20 years.

4. In the circumstances, the Writ Petition is rejected summarily.

(D.G. KARNIK, J)